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INTERGOVERNMENTAL NEGOTIATING
COMMITTEE FOR A FRAMEWORK
CONVENTION ON CLIMATE CHANGE
Fifth session
New York, 18-28 February 1992
Item 1 of the provisional agenda

PROVISIONAL AGENDA AND ANNOTATIONS, INCLUDING SUGGESTIONS FOR THE ORGANIZATION OF WORK

Note by the Executive Secretary

I. PROVISIONAL AGENDA

1. The provisional agenda for the fifth session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change is as follows:

1. Organizational matters:

(a) Adoption of the agenda;

(b) Organization of work;

(c) Future work:

(i) Calendar;

(ii) Arrangements for adoption of the framework convention;

(iii) Report to UNCED by the Chairman, on behalf of the Committee;

(d) Questions for consideration at the resumed fifth session.

2. Consideration of scientific advice from IPCC.

3. Completion of the framework convention on climate change.

4. Review of extrabudgetary funds:

   (a) Special voluntary fund to support the participation of developing countries;

   (b) Trust fund for the negotiating process.

5. Adoption of the report.

II. ANNOTATIONS TO THE PROVISIONAL AGENDA

2. By its resolution 45/212 of 21 December 1990, the General Assembly decided "to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon".

3. By its resolution 46/169 of 19 December 1991, the General Assembly urged the Intergovernmental Negotiating Committee "to expedite and successfully complete the negotiations as soon as possible, and to adopt the framework convention on climate change, containing appropriate commitments and any related legal instruments as may be agreed upon in time for it to be opened for signature during the United Nations Conference on Environment and Development".

4. The Committee has held four sessions, as follows:

   (a) First session, Washington, D.C., 4 to 14 February 1991 (A/AC.237/6 and Corr.1);

   (b) Second session, Geneva, 19 to 28 June 1991 (A/AC.237/9);

   (c) Third session, Nairobi, 9 to 20 September 1991 (A/AC.237/12);

   (d) Fourth session, Geneva, 9 to 20 December 1991 (A/AC.237/15).

5. The fifth session of the Intergovernmental Negotiating Committee will be held at United Nations Headquarters, New York, from 18 to 28 February 1992. The session will be opened by the Chairman of the Committee on 18 February 1992, at 10.30 a.m., in Conference Room 4.

1. Organizational matters

(a) Adoption of the agenda

6. The Committee took note of the provisional agenda for its fifth session at its 3rd plenary meeting, on 19 December 1991. It is presented for adoption.

(b) Organization of work

(i) Participation

7. In paragraph 2 of its resolution 45/212, the General Assembly decided that "the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly".

8. Confirmation of the date and venue of the fifth session has been communicated to the permanent missions of all participating States in New York, as well as to observers. Efforts are being made to disseminate this information and the documentation for the session as widely as possible to facilitate full and effective participation (see Committee decision 1/2, para. 6).

9. In paragraph 19 of its resolution 45/212, the General Assembly invited "relevant non-governmental organizations to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session". 1/

10. In this connection, the attention of the Committee is drawn to decision 2/1 adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, held at Geneva from 18 March to 5 April 1991, 2/ and its subsequent accreditation of non-governmental organizations.

(ii) Subsidiary organs

11. At its first session, by its decision 1/1, the Committee established two working groups and determined their tasks. It decided in this context that, if and when it is deemed necessary, the working groups, subject to the approval of the Committee, may establish ad hoc subgroups to deal with specific issues, with due respect to the understanding that no more than two meetings may be held at any one time within the Committee (decision 1/1, annex, para. 11).

12. The two working groups started to function during the second session of the Committee and continued through the third and fourth sessions.

(iii) Schedule of meetings

13. The tentative schedule of meetings for the first week of the session is contained in annex I to the present document. It is based on the availability of facilities during normal working hours, when services are available for up to two simultaneous meetings from 10 a.m. to 1 p.m. and 3 p.m. to 6 p.m. Delegations are urged to use these services fully by starting all meetings promptly at the scheduled time.

14. The attention of delegations is drawn to the fact that a full working day is scheduled on Saturday, 22 February to make up for the day lost on Monday, 17 February (because of it being a public holiday).

15. The programme for the second week of the session will be determined in the light of the progress of negotiations.

(c) Future work

(i) Calendar

16. With regard to the dates and venue for the resumed fifth session, the Committee was informed at its fourth session of the decision taken by the General Assembly at its forty-sixth session in paragraph 3 of its resolution 46/169 on the possibility of holding a short resumed session in New York in April 1992.

17. The Committee should determine as soon as possible the dates for its resumed session, in the light of the latest information on facilities available. Should the desired duration exceed the five days for which provision has been made in the United Nations calendar, the dates will have to be approved by the Committee on Conferences and, if there are budgetary implications, by the Advisory Committee on Administrative and Budgetary Questions.

18. The Committee may wish to take into account, among other factors, the time required to prepare and disseminate the final text of the convention in six languages after the resumed fifth session, in order for Governments to study it before signature.

(ii) Arrangements for adoption of the framework convention

19. Further consultation has been undertaken with the Office of Legal Affairs concerning the procedure to be followed by the Committee in adopting the final text of the framework convention on climate change and on the need for credentials of representatives participating in such adoption. The Executive Secretary has been advised that, in adopting the convention, the Committee

should simply follow its rules of procedure on decision-making (see A/AC.237/5). Since the Committee is a subsidiary organ of the General Assembly, representatives of States participating therein are not required to submit credentials; nor is there a requirement that the convention be placed before or adopted by a conference of plenipotentiaries. Furthermore, it is not normal practice for the General Assembly or one of its subsidiary organs to adopt a final act at the time of the adoption of a convention. The report of the Committee would contain all the necessary information concerning the adoption of the convention which would normally appear in any final act.

20. Full powers will be required to sign the convention when it is opened for signature during the United Nations Conference on Environment and Development.

(iii) Report to the United Nations Conference on Environment and Development by the Chairman, on behalf of the Committee

21. In paragraph 18 of its resolution 45/212, the General Assembly requested that the Chairman of the Intergovernmental Negotiating Committee, on behalf of the Committee, "submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change". In paragraph 8 of its resolution 46/169, the Assembly reiterated that decision.

(d) Questions for consideration at the resumed fifth session

22. A provisional list will be circulated of remaining issues to be considered by the Committee at its resumed fifth session.

2. Consideration of scientific advice from the Intergovernmental Panel on Climate Change

23. In paragraph 14 of its resolution 45/212, the General Assembly requested "the head of the ad hoc secretariat to cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process".

24. The work of the Intergovernmental Panel on Climate Change (IPCC) has been proceeding in parallel with that of the Intergovernmental Negotiating Committee. It includes areas of study in the short term, including methodological questions, relating to needs likely to arise in the negotiation and implementation of a framework convention on climate change. It is now completing the 1992 update of its First Assessment Report (1990). It is hoped that an advance summary of the IPCC update will be available when the Chairman of IPCC makes his presentation to the Committee under this item (presently scheduled for 20 February).

3. Completion of the framework convention on climate change

25. At the end of its fourth session, the Committee had before it a consolidated working document (A/AC.237/Misc.17 and Add.1-9), which had been prepared by the secretariat under the guidance of the Chairman of the Committee and the co-chairmen of the working groups. The document assembled texts that were indicative of the state of play in the two working groups, organized under a provisional list of headings. An edited version of the document is before the Committee, contained in annex II to the report of the Committee on the work of its fourth session (A/AC.237/15).

26. Also at its fourth session and upon the proposal of the Chairman, the Committee agreed that the consolidated working document should be carefully reviewed in order to draw attention to possible improvements in consistency and harmonization of language, to duplication which could be eliminated, and to other technical ways of enhancing its integration. The Committee noted the intention of the Chairman, in consultation with the Bureau and the officers of the working groups, to submit a report to the fifth session with recommendations on those matters. It further noted that the Chairman would request the Executive Secretary to undertake a technical review as a basis for his report. The technical review of the consolidated working document has been transmitted by the Chairman to the Committee in document A/AC.237/Misc.18.

27. A number of proposals relating to commitments made during the fourth session will be before the Committee at its fifth session (A/AC.237/WG.I/L.7-10). A new proposal on definitions has been submitted since the fourth session (A/AC.237/Misc.1/Add.16).

4. Review of extrabudgetary funds

(a) Special voluntary fund to support the participation of developing countries.

28. In paragraph 10 of its resolution 45/212, the General Assembly established "a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process". Governments, regional economic integration organizations and the relevant bodies of the United Nations system, in particular the United Nations Development Programme, the United Nations Environment Programme and the World Meteorological Organization, have been called upon by the General Assembly and/or the Committee to contribute generously to the special voluntary fund. The Executive Secretary is making arrangements to finance participation in the fifth session of the Committee from the special voluntary fund, following the same lines as for the second, third and fourth sessions.

(b) Trust fund for the negotiating process

29. The General Assembly, in paragraph 20 of its resolution 45/212, decided "that the negotiating process shall be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities, and through voluntary contributions to a trust fund established specifically for the purpose for the duration of the negotiations". In paragraphs 21 and 22 of the same resolution, the Assembly also invited "the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make contributions to the negotiating process, including its funding". Governments, regional economic integration organizations and other interested organizations were similarly invited "to contribute generously to the trust fund".

30. The Executive Secretary will report to the Committee on the state of these two funds and the need for further contributions.

5. Adoption of the report

31. In paragraph 16 of its resolution 45/212, the General Assembly requested "the Intergovernmental Negotiating Committee, through the ad hoc secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner, through regular progress reports, of the progress of the negotiations".

32. The Vice-Chairman acting as Rapporteur will prepare a draft report for consideration by the Committee, following consultations in accordance with usual practice, on the model of the report on the second, third and fourth sessions.

Notes

1/ Official Records of the General Assembly, Forty-fifth session, Supplement No. 46 (A/45/46), annex I.

2/ Ibid., Supplement No. 48 (A/46/48), vol I, annex I, decisions 2/1 and 2/2.

ANNEX I

Tentative schedule of meetings

(18-22 February 1992)*

Tuesday, 18 February 1992

10.30 a.m.	Opening of the session by the Chairman of the Committee
	Item 1 (a) Adoption of the agenda
	Item 1 (b) Organization of work
Followed by:	Informal plenary meeting (if needed)
	(Regional group meetings: after plenary, if required and if time permits)
3 p.m.	Opening of Working Groups I and II (detailed and coordinated schedules of work to be determined)

Wednesday, 19 February 1992

	Meetings of Working Groups I and II

Thursday, 20 February 1992

10 a.m.	Meetings of Working Groups I and II	
3 p.m.	Item 2	Consideration of scientific advice from IPCC
	Item 1 (c)	Future work
	Item 4	Review of extrabudgetary funds
	Item 3	Completion of the framework convention on climate change - progress reports from the Working Groups

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* The schedule for the second week of the session will be determined in the light of the progress of negotiations.

Friday, 21 February and Saturday, 22 February 1992

10 a.m. and 3 p.m. — Meetings of Working Groups I and II

Monday, 24 February through Friday, 28 February 1992

a.m. and p.m. — Programme of work to be determined

Suspension of the session

ANNEX II

List of documents for the fifth session of the Intergovernmental Negotiating Committee

Documents for the session

A/AC.237/15	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its fourth session, held at Geneva, from 9 to 20 December 1991
A/AC.237/16	Provisional agenda and annotations, including suggestions for the organization of work
A/AC.237/Misc.1/Add.16	Set of informal papers provided by delegations, including "non-papers", related to the preparation of a framework convention on climate change: proposal by the Netherlands
A/AC.237/Misc.14/Rev.1	Definitions: Note by the secretariat
A/AC.237/Misc.18 and Add.1	Technical review of consolidated working document
A/AC.237/WG.I/L.7 and Corr.1 and 2	Algeria and other States: proposal on the entire section on commitments
A/AC.237/WG.I/L.8	Joint statement of the Group of 77 at the fourth session of the Intergovernmental Negotiating Committee
A/AC.237/WG.I/L.9 and Corr.1	Statement on commitments submitted by the delegation of Vanuatu, on behalf of the States members of the Alliance of Small Island States participating in the fourth session of the Committee
A/AC.237/WG.I/L.10 and Corr.1	Afghanistan and other States: proposed amendments to the text of A/AC.237/WG.1/L.7

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Other documents available at the session

A/AC.237/5	Rules of procedure
A/AC.237/6 and Corr.1	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its first session, held at Washington D.C., from 4 to 14 February 1991

A/AC.237/9	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its second session, held at Geneva, from 19 to 28 June 1991
A/AC.237/12 and Corr.1	Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its third session, held at Nairobi, from 9 to 20 September 1991

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A/46/48 (Parts I and II)	Report of the Preparatory Committee for the United Nations Conference on Environment and Development on the work of its second and third sessions (see Official Records of the General Assembly, Forty-sixth Session, Supplement No. 48 (A/46/48), vols. I and II.

Available for reference purposes:

General Assembly resolutions

46/169	Protection of global climate for present and future generations of mankind (19 December 1991)
45/212	Protection of global climate for present and future generations of mankind (21 December 1990)
45/211	United Nations Conference on Environment and Development (21 December 1990)
44/228	United Nations Conference on Environment and Development (22 December 1989)
44/207	Protection of global climate for present and future generations of mankind (22 December 1989)

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A/45/696/Add.1	Report of the Secretary-General on progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind, containing the final statement of the Scientific/Technical session of the Second World Climate Conference and the Ministerial Declaration of the Conference

Regional intergovernmental meetings

A/CONF.151/PC/10	Action for a common future: report of the Economic Commission for Europe on the Bergen Conference (8-16 May 1990)
A/CONF.151/PC/38	Report of the Economic and Social Commission for Asia and the Pacific on the Ministerial-level Conference on Environment and Development in Asia and the Pacific (Bangkok, 15-16 October 1990)
A/CONF.151/PC/L.30	Tlatelolco Platform on Environment and Development, adopted by ministers of the Latin American and Caribbean countries at the end of the Regional Preparatory Meeting for the United Nations Conference on Environment and Development (Mexico City, 7 March 1991)
A/CONF.151/PC/85	Beijing Ministerial Declaration on Environment and Development, adopted at the Ministerial Conference of Developing Countries on Environment and Development on 19 June 1991
INC/FCCC/None No. 31 (English and French)	Documents from the Second Regional African Ministerial Preparatory Conference on Environment and Development, held at Abidjan from 11 to 14 November 1991